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9/9/2013

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

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EASTERN DIVISION

JUL X 8 2013
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THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

NICOLE ROGERS REPRESENTATIVE

OF CORTEZ WILEY JR.

Plaintiff

13cv4860

Judge Kennelly

Mag. Judge Brown

vs

NORTH MIDDLE SCHOOL DISTRICT 45

AND JANICE ROSALES; SUPERINTENDENT,

NANCY MUNOZ PRINCIPAL, LYNETT GUARE TEACHER

COMPLAINT

COME NOW the plaintiffs, Nicole Rogers representative of Cortez Wiley Jr., hereby filed a complaint and demand for jury trial against the Defendants, NORTH MIDDLE SCHOOL DISTRICT 45, JANICE ROSALES, NANCY MUNOZ and LYNETT GUARE, and state and allege as follows:

JURISDICTION

1. *This court has jurisdiction over the subject matter of plaintiffs causes of action arise under Title VI of the Civil Rights Act of 1964 42 U.S.C and The American With Disabilities Act Title 11 42.*

Introduction

The Plaintiffs are asserting claims for monetary damages against the named defendants under Section 504 of the Rehabilitation Act, 29 U.S.C 794(the Rehabilitation Act), the American with Disabilities Title 11, Act, 42 U.S.C 12131, et. Seq.(the " ADA"), and the Fourteenth Amendment to the United States Constitution, 42 U.S.C. 1983.

Parties

A plaintiff, Nicole Rogers Representative of Cortez Wiley brings this action on the behalf of Cortez Wiley Jr.

Defendants, North Middle School District 45(the "School District"), is the governing body of the School District 45 and responsible for the control, operation , organization, management, and administration of public schools in Villa Park, Illinois

Defendants, Janice Rosales, Nancy Munoz and Lynette Guare had the duty to provide and assist in providing safe, proper, and appropriate school bus transportation services for exceptional, disabled, and medically fragile children including Cortez Wiley Jr.

At all times material hereto, the School District were responsible for establishing policies and procedures for District 45 School District and were responsible for training and or supervising its teachers and employees, including principals, aides, bus attendants, bus drivers and employees as to appropriate safety, reporting and supervision of student enrolled in District 45 Public Schools.

ALLEGATIONS

The Plaintiff is suing North Middle School District 45 and its members for violating Cortez Wiley Jr. Civil Rights. The school denied Cortez the use of his Medical Asthma Inhaler, and access to the school government lunch program.

After the school leisure time for the student body called "Recess" Cortez Wiley Jr. was coughing and wheezing due to his medical issue. Cortez needed to use his Medical Inhaler, but was told by the teacher that using the Inhaler will be a distraction to his class. The teacher later squeezed his arms, grabbed his hands and slammed them on the desk. The lunch program is for all students who qualify for the government program. Cortez is a qualifier for the lunch program, but was denied the lunch items.

A nurse was at the school; Cortez was still denied his inhaler. The School Superintendent, principal was notified of both incident occurred. The school and its members were aware of Cortez medical condition while acting individually and in concert and under the color of state law, conduct it self in a manner that was professionally unjustifiable and constituted gross misjudgment.

Wherefore, plaintiff Nicole Rogers Representative of Cortez Wiley Jr. seek judgment in their favor and against North Middle School District 45, Janice M. Rosales, Nancy Munoz and Lynette Guare , ordering Defendants to pay all damages recoverable as follow:

- A. Compensatory damages
- B. Other such relief as is deemed just and proper

July 8, 2013

Pro Se Nicole Rogers
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